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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,543	03/25/2004	Tomoyasu Watanabe	01-625	4879

23400 7590 05/10/2005

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

EASTHOM, KARL D

ART UNIT PAPER NUMBER

2832

DATE MAILED: 05/10/2005

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/808,543	WATANABE ET AL.	
	Examiner	Art Unit	
	Karl D. Easthom	2832	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/25/2004</u> . | 6) <input type="checkbox"/> Other: ____. |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2 and 12 rejected under 35 U.S.C. 103(a) as obvious over Imai et al., or in the alternative, as obvious over Imai et al. in view of Totokawa et al. (2003-106912)¹ Imai discloses the claimed invention at Figs. 2A-2C and 5B with electrodes 7, 11, base films 1, 6, pressure sensitive resistor layer 14, and binder resin overlapping the claimed range in modulus at col. 5, lines 25-35. While the modulus is indicated to be for the whole resistor, it would have been obvious to employ the binder resin in the claimed range since that is expected to dominate the modulus of elasticity especially for low carbon content. The polymer is the binder resin which coats the particles since they are immersed in same. In the alternative, here the binder and resin are different, it would have been obvious to coat the particles with a separate polymer where Totokawa discloses using a resin to coat the particles in a pressure sensor in order to obtain a broad range of sensitivity as noted at the abstract so that same would have been obvious. For claim 2, carbon is disclosed at col. 5, lines 40-50.

3. Claims 3-11 are rejected under 35 U.S.C. 103(a) as obvious over Imai et al. in view of Totokawa et al. (2003-106912). The claimed invention is disclosed as noted above except the

¹ Applicant indicates to a certain extent that this document is prior art as disclosed at page 1 of the specification as relevant art. However, it appears that it is published after applicant's foreign priority document was filed. For now, unless applicant indicates otherwise, it will be considered as prior art. At a minimum, if applicant intends to overcome the art, the English translation of the foreign priority must be supplied. Even then, the factual question of whether this is admitted prior art through some other statutory category will be present. Applicant should address this question or admit plainly that the document is prior art so that the record is clear.

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particle size, and the two layers for claim 7. Totokawa discloses 8-300nm at claim 3 of the machine translation, used in a pressure sensor in order to obtain a broad range of sensitivity as noted at the abstract so that same would have been obvious. For claims 5-6, Totokawa discloses the claimed range at claim 4 of the machine translation, and also discloses two layers at Fig. 1 for forming a broad range of sensitivity so that same would have been obvious.


4. Claims 1-4, 7-9, and 11-12 are rejected under 35 U.S.C. 103(a) as obvious over Imai et al. in view of Krivopal. Imai essentially discloses the claimed invention as noted above, except the two layers of resistive material, and the particle sizes. Krivopal discloses two layers 10, at Fig. 3, and for claims 3-4 and 9, the nanometer sized particles at col. 2, lines 20-25, all employed to ensure a sensor of good sensitivity, hysteresis and stability, at col. 1, lines 40-50 so that same would have been obvious for the purposes noted.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D. Easthom whose telephone number is (571) 272-1989. The examiner can normally be reached on M-Th, 5:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Karl D Easthom
Primary Examiner
Art Unit 2832

KDE